

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD : **CIVIL ACTION**
:
v. : **NO. 23-5114**
:
NATIONAL HEALTH ENROLMENT :
CENTRE :

ORDER

AND NOW, this 21st day of May 2024, upon reviewing Plaintiff's Complaint (ECF No. 1), December 27, 2023 Summons (ECF No. 3), mindful Plaintiff once moved (ECF No. 2) to file and serve a third-party subpoena but the case cannot now proceed under a summons expiring in late March 2024, it is **ORDERED**:

1. Plaintiff shall, by **May 28, 2024**, either: voluntarily dismiss under Rule 41 without prejudice; or **show cause** in a Memorandum not exceeding five pages as to why we should not dismiss this case without prejudice for failure to serve the Defendant within ninety days of the Summons (ECF No. 3) under Federal Rule of Civil Procedure 4(m) or otherwise not timely moving to extend the time for service of the summons; and,
2. We **deny** Plaintiff's Motion to file and serve a third party subpoena before the Rule 26 Conference (ECF No. 2) without prejudice as **moot** subject to renewal should Plaintiff show grounds for issuing a new summons.



KEARNEY, J.